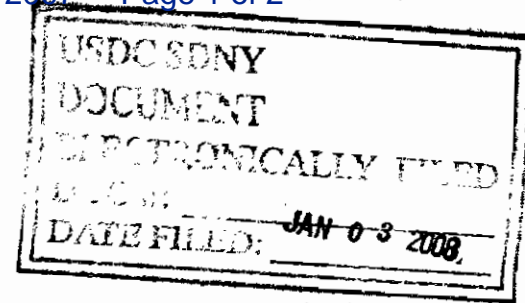




THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel



DOUGLAS W. HEIM
Assistant Corporation Counsel
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December 20, 2007

SO ORDERED

The conference is rescheduled
to January 31, 2008 at 9:30 a.m.

George B. Daniels
HON. GEORGE B. DANIELS

JAN 02 2008

BY FAX: (212) 805-6737
Honorable George B. Daniels
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York, 10007

Re: Valerie Torres, et al. v. City of New York, et al., 07 Civ. 8482 (GBD)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants City of New York ("City"), Officer Thomas DeLacy ("DeLacy"), and Captain Peter Simonetti ("Simonetti") in the above-reference action in which plaintiffs claim *inter alia* that they were falsely arrested and maliciously prosecuted. The Court previously granted defendants an extension until December 20, 2007 to respond to the complaint. Defendants write to request a further extension of time to answer or otherwise respond to the complaint from December 20, 2007, until January 20, 2008. Defendants also respectfully request an adjournment of the initial conference scheduled for January 8, at 10:00 a.m. Plaintiffs' counsel consents to both of these requests.

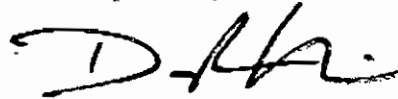
The reason for this request is that defendants are not yet in possession of plaintiffs' criminal court files. Some or all of the criminal charges brought against plaintiffs were allegedly dismissed on November 20, 2006, and thus, all or some of the records concerning plaintiff's case have been sealed pursuant to New York Criminal Procedure Law § 160.50. Plaintiffs provided this office with executed releases to access their criminal court files, and we have submitted those releases to Kings County Criminal Court. To date, we have not received the relevant files. A review of the criminal court files is essential to the evaluation of plaintiffs' false arrest and malicious prosecution claims before answering the complaint. Similarly, without the criminal court documents, defendants would not be adequately prepared to discuss

intelligently discovery, settlement, or other relevant issues at the January 8, 2008 Initial Conference.

Accordingly, defendants respectfully request (1) that their time to respond to the complaint be enlarged from December 20, 2007 until January 20, 2008, and (2) that the January 8, 2008 Initial Conference be adjourned until a date and time convenient to the Court after issue has been joined.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Heim', is written over the typed name.

Douglas W. Heim (DH5238)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Darius Wadia, Esq. (by fax)
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